

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-27 in the application. In a previous response, the Applicants amended Claims 8, 14, 15, and 20. In the present response, the Applicants have amended Claims 1, 5, 8, 11, 14, 16, 17, and 19-22. Support for the amendment can be found, for example, in paragraphs 24-25, and 35 and Figures 1, 3A, and 3B of the original specification. Claims 15 and 25-27 have been canceled without prejudice or disclaimer. No other claims have been added. Accordingly, Claims 1-14, and 16-24 are currently pending in the application.

I. Rejection of Claims 1-13 and 15 under 35 U.S.C. §103

The Examiner has rejected Claims 1-13 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,563,805 to Ma, *et al* in view of U.S. Patent Application Publication No. 2001/0000540 to Cooper, *et al*. The Applicants respectfully disagree.

Ma teaches an XM radio receiver 8 receives digital radio signals via antenna 7 from satellite or terrestrial transmitters and demodulates the signals, producing encoded digital signals. (See column 2, line 67, through column 3, line 3.) The encoded digital signals are stored into a digital buffer 10. (See column 3, line 22.) The digital buffer 10 outputs the encoded digital signal, either directly without buffering or indirectly after buffering, to a playback circuit 12. The playback circuit 12 serves the function of converting the encoded digital signal directly to an audio signal for direct playback. (See column 3, lines 43-48.) Thus, Ma teaches that encoded digital signals are stored in a buffer and a playback circuit decodes the encoded digital signal into an audio signal. Ma does not teach buffering a portion of a partially decoded data stream into a buffer as recited in amended independent Claims 1 and 8.

Furthermore, Ma does not suggest the same. Ma relates to replaceable media digital radio prepaid smartcard enabled recorders. (See column 1, lines 9-10.) Ma teaches digital converter 20 is coupled to the digital buffer 10 and operates to convert encoded digital signals from the digital buffer 10 to decoded digital signals that are suitable for direct recording onto a digital media 32, such as a CD-ROM or DVD-ROM. (See column 4, lines 32-38.) The digital converter 20 will not operate to convert the encoded signals from digital buffer 10 to decoded signals unless enabled by a smartcard, which has an account balance stored thereon, inserted into a smartcard module 18. (See column 4, lines 49-65 and Figures 1 and 2.) Thus Ma decodes encoded digital data when a digital converter is enabled by a smartcard module that has a smartcard with an account balance inserted into it.

As such, Ma does not teach or suggest buffering a portion of a partially decoded data stream into a buffer as recited in amended independent Claims 1 and 8 and, therefore, does not establish a *prima facie* case of obviousness of amended independent Claims 1 and 8. Cooper has not been cited to cure these deficiencies of Ma but to teach a playback switch, coupled to a recorder controller, configured to receive an external command that causes the recorder controller to substitute a portion stored in a buffer for a data stream flowing from a demodulator. (See Examiner's Action electronically delivered May 21, 2007, pages 3-4.) Additionally, the Applicants do not find where Cooper cures the noted deficiencies of Ma. As such, the cited combination of Ma and Cooper does not establish a *prima facie* case of obviousness of amended independent Claims 1 and 8 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1-13 and 15 and allow issuance thereof.

II. Rejection of Claims 14-18 and 20-23 under 35 U.S.C. §103

The Examiner has rejected Claims 14-18 and 20-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0116088 to Ellis, *et al.* in view of Ma and further in view of Cooper. The Applicants respectfully disagree.

As noted above, the cited combination of Ma and Cooper does not establish a *prima facie* case of obviousness of amended independent Claims 1 and 8. For the same reasons, the cited combination of Ma and Cooper does not establish a *prima facie* case of obviousness of amended independent Claims 14 and 20. Ellis has not been cited to cure the deficiencies of the combination of Ma and Cooper but to teach additional limitations of independent Claims 14 and 20. (*See* Examiner's Action electronically delivered May 21, 2007, pages 5-6.) Additionally, the Applicants do not find where Ellis cures the noted deficiencies of the combination of Ma and Cooper.

As such, the cited combination of Ellis, Ma, and Cooper does not establish a *prima facie* case of obviousness for amended independent Claims 14 and 20 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 14-18 and 20-23 and allow issuance thereof.

III. Rejection of Claims 19 and 24 under 35 U.S.C. §103

The Examiner has rejected Claims 19 and 24 under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Ma, in view of Cooper and further in view of U.S. Patent Application Publication No. 2002/0066097 to Hattori, *et al.* The Applicants respectfully disagree.

As established above, the cited combination of Ellis, Ma, and Cooper does not establish a *prima facie* case of obviousness of amended independent Claims 14 and 20. Hattori has not been cited to cure the noted deficiencies of the cited combination of Ellis, Ma, and Cooper, but to teach the subject matter of dependent Claims 19 and 24. (See Examiner's Action electronically delivered May 21, 2007, page 9.) Additionally, the Applicants do not find where Hattori cures the noted deficiencies of the cited combination of Ellis, Ma, and Cooper. As such, the cited combination of Ellis, Ma, Cooper, and Hattori does not establish a *prima facie* case of obviousness of amended independent Claims 14 and 20 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 19 and 24 and allow issuance thereof.

IV. Rejection of Claim 25-27 under 35 U.S.C. §103

The Examiner has rejected Claim 25-27 as being unpatentable over Hattori in view of U.S. Patent No. 5,899,699 to Kamiya for Claim 25 and in further view of Ellis for Claims 26-27. The rejection, however, is moot since the Applicants have canceled Claims 25-27 without prejudice or disclaimer. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 25-27 and allow issuance of the pending claims.

V. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-14 and 16-24.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", with a stylized flourish at the end.

J. Joel Justiss
Registration No. 48,981

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P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800